# EXHIBIT 5

**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF RHODE ISLAND**

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|---|---|---|
| **CONSORZIO DEL PROSCIUTTO DI SAN DANIELE** | : | |
| **v.** | : | **C.A. No. 07-039ML** |
| **DANIELE, INC.** | : | |

**DEFENDANT, DANIELE, INC.'S, FURTHER RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION**

**REQUEST NO. 15**

Copies of all promotional or advertising materials since August 1, 2003 not previously provided to Plaintiff, and not provided in response to Request No. 1 above, used or prepared by Defendant in connection with the sale of its prosciutto products, including but not limited to labels, promotional and advertising materials, advertisements, brochures, flyers, handbooks, manuals, catalogs, books, articles, pamphlets, brochures, workbooks, wrappers, cartons, containers, business establishment signs, posters, telephone directory advertisements, business cards, press releases, Internet web sites, e-mail communications and other electronically-available materials; photographs; federal, state or local government filings, licenses, applications or registrations (other than that at the U.S. Patent and Trademark Office); mailings, trade show materials; personal contacts; telephone calls; Web sites; signs; letterhead; envelopes and business cards.

**RESPONSE NO. 15**

Defendant objects to request for production number 15 on the grounds that it seeks promotional and advertising material since August 1, 2003 which is the date of the first

Settlement Agreement that was superseded by the agreement dated March 25, 2005 and thus seeks information that is irrelevant, burdensome and overly broad. Without waiving said objection, from March 25, 2005 to the present, see the documents produced in response to request for production number 1 which are incorporated herein by reference. If ordered to do so by the court, documents produced in response to request for production number 23 would also be responsive.

**FURTHER RESPONSE NO. 15**

See the documents produced in response to Request for Production No. 23.

**REQUEST NO. 18**

Copies of all communications between Defendant and any other person concerning any trademark or certification mark in connection with San Daniele prosciutto since August 1, 2003 not previously provided to Plaintiff.

**RESPONSE NO. 18**

To the extent this request seeks any communications between Daniele, Inc. and its attorneys, such information is protected by the attorney-client privilege. Further, this request is overly broad as it seeks information dating back to the first Settlement Agreement.

**FURTHER RESPONSE NO. 18**

Without waiving said objection, none.

**REQUEST NO. 20**

Copies of all communications between Defendant and any other person concerning the Consorzio del Prosciutto di San Daniele since August 1, 2003 not previously provided to Plaintiff.

**RESPONSE NO. 20**

To the extent this request seeks any communications between Daniele, Inc. and its attorneys, such information is protected by the attorney-client privilege. Further, this request is overly broad as it seeks information dating back to the first Settlement Agreement.

**FURTHER RESPONSE NO. 20**

Without waiving said objection, none.

**REQUEST NO. 23**

Copies of all documents reflecting expenditures or proposed expenditures by Defendant, or on its behalf, to promote GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, or RISERVA as trademarks, including but not limited to financial statements, budgets, forecasts and projections, from the date of first use of the mark to the present.

**RESPONSE NO. 23**

Defendant objects to request for production number 23 on the grounds that the expenditures, financial statements, budgets, forecasts and projections are confidential, proprietary and trade secret information that is not discoverable and is irrelevant, overly broad and burdensome.

**FURTHER RESPONSE NO. 23**

Without waiving said objection, see the costs for the labels and brochures from March 2005 to the present attached as bate stamp number 000334-000438.

**REQUEST NO. 29**

Copies of all orders by Defendant for labels or packages bearing any of the marks DANIELE, GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA since January 1, 2005.

**RESPONSE NO. 29**

Defendant objects to request for production number 29 on the grounds that it seeks information that is overly broad, burdensome and irrelevant. Documents that would be responsive to this overly broad request are contained in multiple boxes that would take numerous "person" hours to sort through and obtain. Plaintiff has included the Daniele trademark which is used on non-prosciutto items and has nothing to do with this lawsuit. Defendant sells all of its other meat products under the name "Daniele" and those meat products are not the subject of this lawsuit and are not the subject of any claim or defense in this lawsuit. To the extent this request is seeking copies of all labels and packages bearing any of the five trademarks being used by defendant for the sale of its prosciutto would be unduly burdensome as Daniele, Inc. does not track invoices or orders but tracks sales revenue by vendor name and product line. Without waiving said objection, if ordered to do so by the court documents produced in response to request for production number 23 would be responsive.

**FURTHER RESPONSE NO. 29**

See the documents produced in response to Request for Production No. 23.

**REQUEST NO. 39**

Copies of all documents generated or received by Defendant in connection with the design and adoption of each of the following designations: GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA.

**RESPONSE NO. 39**

Defendant objects to request for production number 39 on the grounds that it seeks information that is overly broad, burdensome, and irrelevant. Rule 34 requires requests for production to set forth the item or category with reasonable particularity, and this request is open-ended. Without waiving said objection, see the information and/or documents referenced in response to request for production numbers 1, 5, 13, 15, and 32 which are incorporated herein by reference. If ordered to do so by the court, documents produced in response to request for production number 23 would be responsive.

**FURTHER RESPONSE NO. 39**

See the documents produced in response to Request for Production No. 23.

Daniele, Inc.
By its Attorneys,

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**CERTIFICATION**

The undersigned hereby certifies that a true copy of the within document was forwarded on this 26th day of February, 2008, via first class mail, postage pre-paid, to the following counsel of record:

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